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Legal Representatives for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-1988

DIANA L. HOMYAK
5425 144th Way NW, Unit 18
Ramsey Minnesota 55303

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Respiratory Care Practitioner License No. 22926

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the Respiratory Care Board of California. She brought this action solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Catherine E. Santillan, Senior Legal Analyst.

2. Diana L. Homyak (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about April 9, 2003, the Respiratory Care Board of California issued Respiratory Care Practitioner License No. 22926 to Diana L. Homyak (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No.

1 R-1998 and will expire on February 28, 2006, unless renewed.

2 JURISDICTION

3 4. Accusation No. R-1998 was filed before the Respiratory Care Board
4 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The
5 Accusation and all other statutorily required documents were properly served on Respondent on
6 September 28, 2005. Respondent has not filed a Notice of Defense contesting the Accusation. A
7 copy of Accusation No. R-1998 is attached as **Exhibit A** and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Accusation No. R-1998. Respondent also has carefully read, and understands the effects of
11 this Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
14 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
15 the right to present evidence and to testify on her own behalf; the right to the issuance of
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in
23 Accusation No. R-1998, agrees that cause exists for discipline and hereby surrenders her
24 Respiratory Care Practitioner License No. 22926 for the Board's formal acceptance.

25 9. Respondent understands that by signing this stipulation she enables the
26 Board to issue an order accepting the surrender of her Respiratory Care Practitioner License
27 without further process.

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15. Respondent has mailed her license to the Board on or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Before respondent's petition for reinstatement will be considered, she agrees to pay costs in the amount of \$1,840.00. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. R-1998 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: October 19, 2005

Original signed by:
Diana L. Homyak
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: October 25, 2005

BILL LOCKYER, Attorney General
of the State of California

Original signed by:
CATHERINE E. SANTILLAN
Senior Legal Analyst

Legal Representatives for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-1998

DIANA L. HOMYAK
5425 144th Way NW, Unit 18
Ramsey Minnesota 55303

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board of California, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on January 2, 2006.

It is so ORDERED December 22, 2005.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA